

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Sharon Root,

Plaintiff,

vs.

Frederick J. Hanna & Associates, P.C.,
Defendant.

1:10-cv-0638 LJM-DML

COMPLAINT SEEKING DAMAGES FOR VIOLATION OF
THE FAIR DEBT COLLECTION PRACTICES ACT

I. Introduction

1. This is an action for actual, punitive, and statutory damages, legal fees and costs pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq (hereinafter referred to as the "FDCPA").

II. Jurisdiction and Venue

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue lies in this District pursuant to 28 U.S.C. § 1391(b).

III. Parties

4. Plaintiff in this case is a resident of the full age of majority, domiciled in the City of Indianapolis, Marion County, Indiana.
5. Defendant in this case, Frederick J. Hanna & Associates, P.C. (hereinafter referred to as "Hanna"), is a "debt collector" as that term is defined by the FDCPA, and is attempting to collect a debt on behalf of Chase Bank USA, N.A. (hereinafter referred to as "Chase"). Hanna is a corporation organized under the laws of the State of Georgia whose principal business address is 1427 Roswell Rd., Marietta, GA 30062.

IV. Factual Allegations

6. Hanna is a debt collection agency attempting to collect a debt from Plaintiff
7. On June 10, 2009, Plaintiff retained John T. Steinkamp to be her attorney in bankruptcy.
8. In April of 2010, Defendant contacted Plaintiff in regards to the debt owed to Chase. During that phone call, Plaintiff identified John T. Steinkamp as her attorney in regards to the debt.
9. Plaintiff received a letter dated May 5, 2010, which was a communication from Defendant as an attempt to collect on the debt owed to Chase.
10. During the first week of May, 2010, Defendant contacted Plaintiff, at which time Plaintiff informed Defendant of her intent to file bankruptcy and that she was represented by counsel, John T. Steinkamp. Immediately after being informed of Plaintiff's representation, Defendant continued to ask Plaintiff to make a payment on her debt.
11. Plaintiff has been contacted by Defendant on numerous occasions, the latest call occurring on May 20, 2010.
12. On May 5 and 13, 2010, Defendant contacted Plaintiff's mother via telephone attempting to acquire an address for Plaintiff. Plaintiff's mother
13. Plaintiff has lived at 6344 Monteo Dr., Indianapolis, IN 46217-2768 for the previous six (6) years.

**V. First Claim for Relief:
Violation of the FDCPA**

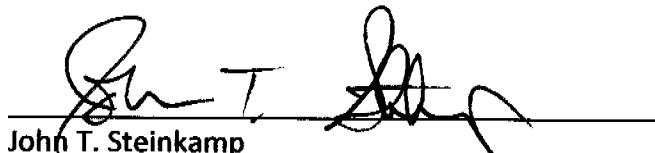
14. The allegations of Paragraphs 1 through 13 of the complaint are realleged and incorporated herewith by references.
15. Defendant violated the FDCPA by mailing a letter to Plaintiff as well as contacting Plaintiff by telephone as an attempt to collect a debt despite being informed of her representation by counsel, pursuant to 15 U.S.C. §1692c.
16. Defendant violated the FDCPA by contacting Plaintiff's mother without express permission when Defendant already knew Plaintiff's address, pursuant to 15 U.S.C. §1692c.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages of \$1,000, attorney fees, and costs.

WHEREFORE, Plaintiff, having set forth his claims for relief against Defendant, respectfully prays the Court as follows:

1. That Plaintiff has and recovers against Defendant a sum to be determined by the Court in the form of actual damages;
2. That Plaintiff has and recovers against Defendant a sum to be determined in the form of statutory damages;
3. That Plaintiff has and recovers against Defendant a sum to be determined in the form of punitive damages;
4. That Plaintiff has and recovers against Defendant all reasonable legal fees and expenses incurred by the attorney;
5. That Plaintiff have such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John T. Steinkamp', is written over a horizontal line.

John T. Steinkamp
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